

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Anthony Spruill Jr.

Docket No. 5:08-CR-45-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Spruill Jr., who, upon an earlier plea of guilty to Possession with Intent to Distribute a Quantity of Cocaine Base and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, was sentenced by the Honorable Terrence W. Boyle, Chief United States District Judge, on September 11, 2008, to the custody of the Bureau of Prisons for a term of 137 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On July 12, 2013, the defendant's term of imprisonment was reduced from 137 months to 123 months. On January 21, 2015, the term of imprisonment was further reduced from 123 months to 111 months.

Anthony Spruill Jr. was released from custody on April 1, 2016, at which time the term of supervised release commenced.

A Violation Report was submitted to the court on July 6, 2017, at which time the court was informed that the defendant had been charged with the offense of Flee/Elude Arrest with Motor Vehicle. The court agreed to continue supervision pending a disposition in state court. On June 22, 2018, a Violation Report was provided to the court, informing the court that the defendant had been convicted of Attempted Flee/Elude with Motor Vehicle. Supervision was permitted to continue with a warning given to the defendant that he is not to drive without being properly licensed to do so.

On June 29, 2018, the court was notified that the defendant had tested positive for cocaine. The defendant denied using cocaine. The court agreed to continue the defendant on supervised release and the defendant was placed in the Surprise Urinalysis Program, in addition to a referral for a substance abuse assessment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On November 5, 2018, the defendant submitted to urinalysis testing in accordance with the Surprise Urinalysis Program, and the specimen returned positive for the presence of cocaine. When confronted with the result, the defendant denied using cocaine; however, he acknowledged that he would not be able to challenge the test result if he were to proceed with a hearing to determine if he violated the conditions of his supervision by using illegal drugs. As a result, the defendant has agreed to participate in a period of location monitoring with a curfew for 30 days rather than return to court for revocation proceedings. We are therefore recommending the conditions of supervised release be modified to include a curfew, with location monitoring, for a period not to exceed 30 days. Substance abuse treatment will also be intensified. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: November 21, 2018

ORDER OF THE COURT

Considered and ordered this 26 day of November, 2018, and ordered filed and
made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
Chief United States District Judge